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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Qatar

1. At its 733rd and 734th meetings (see CRC/C/SR.733 and 734), held on 2 October 2001, the Committee on the Rights of the Child considered the initial report of Qatar (CRC/C/51/Add.5), which was received on 29 October 1999, and adopted, at the 749th meeting (CRC/C/SR.749) held on 12 October 2001, the following concluding observations.

A. Introduction

2. The Committee notes that the initial State party report was prepared according to the Committee's guidelines for reporting. It notes the timely submission of the informative written answers. The Committee further notes with appreciation the presence of a high-level and cross-sectoral delegation, which contributed to a frank and open dialogue and a better understanding of the process of implementation of the Convention.

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B. Positive aspects

3. The Committee welcomes the adoption of Law No. 25 of 2001 concerning free and compulsory education for all children in the State party.

4. The Committee welcomes the establishment of the Supreme Council of Family Affairs.

5. The Committee welcomes the establishment of the national programme for the dissemination of the Convention.

6. The Committee welcomes new initiatives undertaken by the State party, such as the programme to develop kindergartens, and the launch of a road safety campaign.

7. The Committee welcomes the State party's ratification of the ILO Worst Forms of Child Labour Convention, 1999 (No. 182).

8. The Committee notes with appreciation the generous financial aid given to developing countries.

C. Factors and difficulties impeding the implementation of the Convention

9. Noting the universal values of equality and tolerance inherent in Islam, the Committee observes that in the State party narrow interpretations of Islamic texts, particularly in areas relating to personal status law, may impede the enjoyment of some human rights protected under the Convention.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Reservation

10. The Committee welcomes information that the State party is re-examining its reservation to the Convention with a view to amending or withdrawing it. The Committee is concerned that the broad and imprecise nature of the State party's general reservation potentially negates many of the Conventions provisions and raises concern as to its compatibility with the object and purpose of the Convention, as well as the overall implementation of the Convention.

11. **The Committee encourages the State party to expeditiously complete its re-examination of its reservation with a view to narrowing and ultimately withdrawing it, in accordance with the Vienna Declaration and Plan of Action of the World Conference on Human Rights (1993).**

Legislation

12. The Committee notes the draft Children's Bill; however, it is concerned that several rights contained in the Convention (such as non-discrimination, article 2) are not adequately reflected in domestic law.

13. **The Committee recommends that the State party:**

(a) Conduct a comprehensive review of its domestic laws, including administrative regulations and legal procedural rules, to ensure that they conform to international human rights standards, including the Convention;

(b) Ensure the speedy promulgation of legislation relating to child rights and its effective implementation; and

(c) Ensure that laws are sufficiently clear and precise, are published, and are accessible to the public.

Coordination

14. The Committee notes that the Supreme Council for Family Affairs is the lead body in Qatar entrusted with the implementation of the Convention, which it endeavours to accomplish through its various voluntary committees (e.g. the Committee on Maternity and the Child, the Women's Affairs Committee, etc.). However, the Committee is concerned that its approach to the Convention is not sufficiently rights based, and therefore the effectiveness of these committees in the full implementation of the Convention is limited. Moreover, the Committee notes that Qatar's National Report on the Follow-up to the World Summit for Children indicated that over bureacratization and a poor level of inter-organizational communication have contributed to a duplication of programmes, the wasting of resources, and an inability to learn from the experiences gained by other institutions.

15. **The Committee recommends that the State party:**

(a) Ensure that the preparation and implementation of its next 10-year national strategy and national plan of action for children, including the implementation of the Convention, is comprehensive, human rights-based and undertaken through an open, consultative and participatory process; and

(b) Give greater attention to intersectoral coordination and cooperation at and between national and local levels of government.

Cooperation with civil society

16. Noting the establishment of the Committee for Coordination between Government Agencies and Non-Governmental Associations, the Committee is concerned that insufficient efforts have been made to involve civil society in the implementation of the Convention, particularly in the area of civil rights and freedoms.

17. **The Committee recommends that the State party:**

(a) Consider a systematic approach to involving civil society, especially children's associations, throughout all stages of the implementation of the Convention, including with respect to civil rights and freedoms; and

(b) Ensure that legislation regulating NGOs conforms to article 15 of the Convention and other international standards on freedom of association, as a step in facilitating and strengthening their participation.

Data collection

18. The Committee welcomes information that the Planning Council is working to create an integrated database on the family.

19. **The Committee encourages the State party:**

(a) To continue its efforts to establish a system such that disaggregated data are collected on all persons under 18 years of age for all areas covered by the Convention, including the most vulnerable groups (i.e. non-nationals, children living in remote areas, children with disabilities, children of economically disadvantaged households, etc.), and to use these data to assess progress and design policies to implement the Convention; and

(b) To seek technical assistance from, among others, UNICEF.

Monitoring structures

20. The Committee notes information from the delegation concerning the establishment of a telephone "safety-line" for children.

21. **The Committee encourages the State party to develop and strengthen this service for children at risk.**

22. The Committee is concerned at the absence of an independent mechanism with a mandate to monitor and evaluate regularly progress in the implementation of the Convention and to receive and address complaints.

23. **The Committee recommends that the State party:**

(a) Establish an independent national human rights institution in accordance with the Paris Principles relating to the status of national institutions for the promotion and protection of human rights (General Assembly resolution 48/134) to monitor and evaluate progress in the implementation of the Convention at the national and local levels. This institution should be accessible to children and empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner and to address them effectively; and

(b) Seek technical assistance from, among others, OHCHR and UNICEF.

Resource allocation

24. The Committee notes significant investment in and increased budgetary allocation for health, education and other parts of the social sector.

25. **The Committee recommends that the State party:**

(a) Continue and strengthen its efforts to allocate the maximum available resources - human and financial - to health, education, culture and other social services;

(b) Undertake similar efforts to ensure full implementation of the Convention; and

(c) Systematically assess the impact of budgetary allocations on the implementation of child rights.

Training/dissemination of the Convention

26. The Committee welcomes the establishment of the national programme for the dissemination of the Convention. However, it is concerned that awareness of the Convention amongst professionals working with and for children and the general public, including children themselves, remains low. The Committee is concerned that the State party is not undertaking adequate dissemination, awareness-raising and training activities in a systematic and targeted manner.

27. **The Committee recommends that the State party:**

(a) Strengthen, expand and continue its programme for the dissemination of information on the Convention and its implementation among children and parents, civil society, and all sectors and levels of government, including initiatives to reach those vulnerable groups who are illiterate or without formal education;

(b) Develop systematic and ongoing training programmes on human rights, including children's rights, for all professional groups working for and with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers and health personnel); and

(c) Seek assistance from, among others, OHCHR and UNICEF.

2. Definition of the child

28. The Committee is concerned that the minimum ages for marriage and employment are unclear under Qatari law.

29. **The Committee recommends that the State party review its legislation so that the minimum-age requirements for marriage and employment conform to the principles and provisions of the Convention, are gender neutral and are explicit, and ensure that they are enforced by law.**

3. General principles

Non-discrimination

30. Noting the significant achievements in the improvement in the status of women in Qatar, the Committee is nevertheless concerned that discrimination, contrary to article 2 of the Convention, persists in the State party. In particular, the Committee is concerned about discrimination against females and children born out of wedlock under existing personal status law (e.g. in inheritance, custody and guardianship).

31. **In accordance with article 2 of the Convention, the Committee recommends that the State party:**

(a) Take effective measures, including enacting or rescinding legislation where necessary, to prevent and eliminate discrimination on grounds of sex and birth in all fields of civil, economic, political, social and cultural life;

(b) Undertake all possible measures to reconcile fundamental human rights with Islamic texts;

(c) Take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family; and

(d) Train members of the legal profession, especially the judiciary, to be gender-sensitive. Religious leaders should be mobilized to support such efforts.

32. The Committee is concerned at the disparities in the enjoyment of economic and social rights, particularly the rights to health and education, experienced by children living in rural areas and non-national children.

33. **The Committee recommends that the State party:**

(a) Take all necessary measures to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2;

(b) Continue to prioritize and target resources and social services for children belonging to the most vulnerable groups; and

(c) Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

34. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of the Committee's general comment No. 1 on article 29 (1) of the Convention on the aims of education.**

Best interests of the child

35. The Committee is concerned that in actions concerning children, such as in matters relating to family law, the general principle of the best interests of the child contained in article 3 of the Convention is not always a primary consideration.

36. **The Committee recommends that the State party review its legislation and administrative measures to ensure that article 3 of the Convention is duly reflected therein and that this principle is taken into account when administrative, policy, court or other decisions are made.**

Right to life

37. The Committee is seriously concerned that under the 1994 Juvenile Act there is a possibility that the death penalty or life imprisonment may be imposed for offences committed by persons when they were under 18 years old, contrary to articles 6 and 37 (a) of the Convention.

38. **The Committee strongly recommends that the State party take immediate steps to ensure that the law prohibits the imposition of the death penalty or life imprisonment for crimes committed by persons under 18.**

Respect for the views of the child

39. The Committee is concerned that traditional attitudes towards children in society may limit the respect for their views, especially within the family and schools.

40. **The Committee recommends that the State party:**

(a) Continue to promote and facilitate within the family, the school, institutions, the courts, and administrative bodies respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention;

(b) Develop skills-training programmes in community settings for parents, teachers, social workers and local officials so that they can learn how to help children to express their informed views and opinions and to take those views into consideration; and

(c) Seek assistance from, among others, UNICEF.

4. Civil rights and freedoms

Nationality

41. The Committee is concerned that the 1961 Nationality Act does not grant citizenship to children of Qatari women married to non-nationals, as it does where the father is Qatari.

42. **The Committee recommends that the State party ensure the right of a child to a nationality without discrimination on the basis of either parent's sex, in accordance with articles 2 and 7 of the Convention.**

Protection from torture and inhuman or degrading treatment or punishment

43. The Committee is seriously concerned that, contrary to article 37 (a) of the Convention, under the 1994 Juvenile Act there is a possibility that persons under 18 may be subject to judicial sanctions such as flogging.

44. **The Committee recommends that the State party take immediate steps to ensure that the law prohibits the imposition of flogging and other forms of cruel, inhuman or degrading treatment or punishment on persons who may have committed crimes when they were under 18.**

5. Family environment and alternative care

Violence/abuse/neglect/maltreatment

45. The Committee is concerned that there is insufficient information about and awareness of the ill-treatment of children within the family and institutions.

46. **The Committee recommends that the State party:**

(a) Conduct a study to assess the nature and extent of ill-treatment and abuse of children, and design policies and programmes to address it;

(b) Take legislative measures to prohibit all forms of physical and mental violence against children, including corporal punishment and sexual abuse in the family and in institutions;

(c) Carry out public education campaigns about the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment;

(d) Establish effective procedures and mechanisms to receive, monitor and investigate complaints, including intervention where necessary;

(e) Investigate and prosecute cases of ill-treatment, ensuring that the abused child is not victimized in legal proceedings and that his/her privacy is protected;

(f) Provide care, recovery and reintegration for victims;

(g) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of ill-treatment cases; and

(h) Seek assistance from, among others, UNICEF and WHO.

6. Basic health and welfare

Adolescent health

47. The Committee is concerned that there is insufficient information available in relation to adolescent health and insufficient access by adolescents to reproductive and mental health counselling services.

48. **The Committee recommends that the State party:**

(a) Ensure that adolescents have access to and are provided with education on reproductive health and other adolescent health issues, as well as with child-sensitive and confidential counselling services;

(b) Strengthen efforts in the area of adolescent health education within the educational system; and

(c) Seek assistance from, among others, UNICEF and WHO.

Children with disabilities

49. The Committee notes the establishment of the National Committee for Persons with Special Needs and the drafting of the Persons with Special Needs Bill. It further notes the State party's efforts at awareness-raising and inclusion.

50. **The Committee recommends that the State party:**

(a) Review existing policies and practice in relation to children with disabilities, including draft legislation, taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on "Children with Disabilities" (see CRC/C/69);

(b) Continue to involve children with disabilities and their families in the development of surveys and policy review;

(c) Undertake greater efforts to make available the necessary professional and financial resources;

(d) Undertake greater efforts to promote and expand community-based rehabilitation programmes, including parent support groups, and inclusive education of children with all forms of disability; and

(e) Seek assistance from, among others, UNICEF and WHO.

7. Education, leisure and cultural activities

Education

51. The Committee is concerned that the aims of education presented in the report do not adequately reflect the aims outlined in article 29 of the Convention, in particular that:

(a) The system of public education continues to emphasize rote learning rather than analytical skills development and is not child-centred;

(b) The choice of some preparatory- and secondary-level programmes may be restricted for girls; and

(c) The development and respect for human rights, tolerance and equality of the sexes and religious and ethnic minorities are not explicitly part of the curricula.

52. **The Committee recommends that the State party, taking into account the Committee's general comment No. 1 on the aims of education:**

(a) Undertake a process of curriculum and teaching methodology reform - with the full participation of children - which stresses the importance of critical thinking and problem-solving skills development;

(b) Direct education to the development of the child's personality, talents and mental and physical abilities to their fullest potential;

(c) Include in the curricula, human rights education, including on children's rights, particularly with respect to the development and respect for human rights, tolerance, and equality of the sexes and religious and ethnic minorities; and

(d) Seek assistance from, among others, UNICEF and UNESCO.

53. Noting the 1993 Ministerial Decree which bans corporal punishment in schools, the Committee remains concerned that this issue is not addressed effectively.

54. **The Committee recommends that the State party raise awareness of the negative impact of corporal punishment among teachers and other professionals working in schools, and take other appropriate measures to prevent and eliminate it.**

8. Special measures of protection

Economic exploitation

55. The Committee is concerned about the lack of information on child labour within the agricultural and domestic service sectors.

56. **The Committee recommends that the State party:**

(a) Undertake a national survey on the causes, extent and impact of child labour;

(b) Implement the ILO Minimum Age Recommendation, 1973 (No. 146) and the Worst Forms of Child Labour Recommendation, 1999 (No. 190);

(c) Ratify the ILO Minimum Age Convention, 1973 (No. 138); and

(d) Seek assistance from, among others, ILO.

Camel racing

57. The Committee is seriously concerned at the hazardous situation of children involved in camel racing. In particular, it is concerned that sometimes very young children are involved; are trafficked, particularly from Africa (i.e. the Sudan) and South Asia; and are denied education and health care; and that such involvement produces serious injuries, even fatalities. It concurs with the ILO Committee of Experts on the Application of Conventions and Recommendations which has previously indicated that the employment of children as camel jockeys constitutes dangerous work under article 3 (1) of ILO Convention No. 138.

58. **The Committee recommends that the State party in accordance with article 32 of the Convention and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), which the State party has ratified:**

(a) Take immediate and effective steps to ensure the implementation of article 32 of the Convention and ILO Convention No. 182, taking into account ILO Recommendation No. 190;

(b) Implement - in compliance with all international labour standards - the recommendations of the Committee established by the Supreme Council of Family Affairs to examine the issue of children in camel racing;

(c) Continue to strengthen its efforts to undertake a regional initiative in this regard, including bilateral and multilateral cooperation; and

(d) Seek assistance from ILO.

Administration of juvenile justice

59. The Committee is concerned that persons under 18 may be prosecuted for crimes in the same manner as adults (i.e. without special procedures), and be subject to the same penalties as adults. Moreover, the Committee is concerned at the criminalization of status offences.

60. **The Committee recommends that the State party:**

(a) Establish a minimum age of criminal responsibility that is in accordance with the principles and provisions of the Convention;

(b) Ensure that its legislation and practice concerning juvenile justice fully reflect the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and the Vienna Guidelines for Action on Children in the Criminal Justice System;

(c) Expedite the promulgation of the draft juvenile justice law, ensuring that it is applicable to all persons under 18 and that adequate resources are allocated for its effective implementation;

(d) Ensure that the deprivation of liberty is only used as a measure of last resort, for the shortest possible time, is authorized by a court, and that persons under 18 are not detained with adults;

(e) Ensure that children have access to legal aid and independent and effective complaints mechanisms;

(f) Consider alternative measures to deprivation of liberty, such as probation, community service or suspended sentences;

(g) Train professionals in the area of rehabilitation and social reintegration of children; and

(h) Seek assistance from, among others, OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

9. Optional Protocols

61. **The Committee encourages the State party to ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.**

10. Dissemination of documents

62. **Finally, the Committee recommends that in accordance with article 44, paragraph 6, of the Convention, the initial report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion and the concluding observations adopted by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the parliament and the general public, including concerned non-governmental organizations.**